

EXHIBIT F

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CITY OF CLEARLAKE  
(erroneously named herein as CLEARLAKE POLICE DEPARTMENT)

IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DAVID DAVIS and PAGE GEARHART-DAVIS  
PRO-SE,

Plaintiffs,

vs.

CLEARLAKE POLICE DEPARTMENT,

Defendants.

Case No. C 07-03365 EDL

DEFENDANT CITY OF  
CLEARLAKE'S 2nd  
SUPPLEMENTAL RESPONSE TO  
PLAINTIFFS' REQUEST FOR  
PRODUCTION OF DOCUMENTS,  
AND DOCUMENTS PRODUCED

PROPOUNDING PARTIES: Plaintiffs DAVID DAVIS and PAGE GEARHART-DAVIS

RESPONDING PARTY: Defendant CITY OF CLEARLAKE

SET NO.: ONE

**PRELIMINARY STATEMENT**

The following responses herein are based upon information known by the responding party at this time following a reasonable and good faith effort to obtain such information. Responding party has not completed their investigation of the facts relating to this case. There may be additional persons having knowledge of facts or records containing information which are presently unknown to responding party. Accordingly, additional or different information may be discovered and received which may require the answers and responses to be changed and/or supplemented.

1 RESPONSE TO REQUEST NO. 1:

2 After a reasonable search and diligent inquiry, no documents were located responsive to this  
3 request, that has not already been produced pursuant to FRCP 26. Attached as Exhibit A is an inter-  
4 office memorandum from Nicole Newton of the Records Department concerning the search for audio  
5 records.

6 RESPONSE TO REQUEST NO. 2:

7 After a reasonable search and diligent inquiry, no documents were located responsive to this  
8 request, that has not already been produced pursuant to FRCP 26. Attached as Exhibit A is an inter-  
9 office memorandum from Nicole Newton of the Records Department concerning the search for audio  
10 records.

11 RESPONSE TO REQUEST NO. 3:

12 After a reasonable search and diligent inquiry, no documents were located responsive to this  
13 request, that has not already been produced pursuant to FRCP 26. Attached as Exhibit A is an inter-  
14 office memorandum from Nicole Newton of the Records Department concerning the search for audio  
15 records.

16 RESPONSE TO REQUEST NO. 4:

17 After a reasonable search and diligent inquiry, no documents were located responsive to this  
18 request, that has not already been produced pursuant to FRCP 26. Attached as Exhibit A is an inter-  
19 office memorandum from Nicole Newton of the Records Department concerning the search for audio  
20 records.

21 RESPONSE TO REQUEST NO. 5:

22 After a reasonable search and diligent inquiry, no documents were located responsive to this  
23 request, that has not already been produced pursuant to FRCP 26. Attached as Exhibit A is an inter-  
24 office memorandum from Nicole Newton of the Records Department concerning the search for audio  
25 records.

26 RESPONSE TO REQUEST NO. 6:

27 After a reasonable search and diligent inquiry, no documents were located responsive to this  
28 request, that has not already been produced pursuant to FRCP 26. Attached as Exhibit A is an inter-

1 office memorandum from Nicole Newton of the Records Department concerning the search for audio  
2 records.

3 RESPONSE TO REQUEST NO. 7:

4 After a reasonable search and diligent inquiry, no documents were found in the police files  
5 pertaining to this request that has not already been produced pursuant to FRCP 26. In Plaintiffs request  
6 they ask for the "dispatch" record on the traffic citation, but the only other record of the traffic citation  
7 would be the court file which is in possession of the County of Lake Court Records. There is no other  
8 "dispatch" record in the possession of the defendants.

9 RESPONSE TO REQUEST NO. 8:

10 After a reasonable search and diligent inquiry, no documents were found in the police files  
11 pertaining to this request that has not already been produced pursuant to FRCP 26. In Plaintiffs request  
12 they ask for the "dispatch" record on the traffic citation, but the only other record of the traffic citation  
13 would be the court file which is in possession of the County of Lake Court Records. There is no other  
14 "dispatch" record in the possession of the defendants.

15 RESPONSE TO REQUEST NO. 9:

16 After a reasonable search and diligent inquiry, no documents were found in the police files  
17 pertaining to this request that has not already been produced pursuant to FRCP 26. In Plaintiffs request  
18 they ask for the "dispatch" record on the traffic citation, but the only other record of the traffic citation  
19 would be the court file which is in possession of the County of Lake Court Records. There is no other  
20 "dispatch" record in the possession of the defendants.

21 RESPONSE TO REQUEST NO. 10:

22 After a reasonable search and diligent inquiry, no documents were found in the police files  
23 pertaining to this request that has not already been produced pursuant to FRCP 26. In Plaintiffs request  
24 they ask for the "dispatch" record on the traffic citation, but the only other record of the traffic citation  
25 would be the court file which is in possession of the County of Lake Court Records. There is no other  
26 "dispatch" record in the possession of the defendants.

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1 RESPONSE TO REQUEST NO. 11:

2 After a reasonable search and diligent inquiry, no documents were found in the police files  
3 pertaining to this request that has not already been produced pursuant to FRCP 26. In Plaintiffs request  
4 they ask for the "dispatch" record on the traffic citation, but the only other record of the traffic citation  
5 would be the court file which is in possession of the County of Lake Court Records. There is no other  
6 "dispatch" record in the possession of the defendants.

7 RESPONSE TO REQUEST NO. 12:

8 After a reasonable search and diligent inquiry, no documents were found in the police files  
9 pertaining to this request that has not already been produced pursuant to FRCP 26. In Plaintiffs request  
10 they ask for the "dispatch" record on the traffic citation, but the only other record of the traffic citation  
11 would be the court file which is in possession of the County of Lake Court Records. There is no other  
12 "dispatch" record in the possession of the defendants.

13 RESPONSE TO REQUEST NO. 13:

14 After a reasonable search and diligent inquiry, no documents were found in the police files  
15 pertaining to this request that has not already been produced pursuant to FRCP 26. In Plaintiffs request  
16 they ask for the "dispatch" record on the traffic citation, but the only other record of the traffic citation  
17 would be the court file which is in possession of the County of Lake Court Records. There is no other  
18 "dispatch" record in the possession of the defendants.

19 RESPONSE TO REQUEST NO. 14:

20 Objection. This request is vague and overbroad, and protected by FRE 407. Without waiving  
21 the objection, see Exhibit B, attached, with redacted portions of the complaint investigation pertaining to  
22 the analysis and conclusion of the investigating officers at Bates stamps pg. 46-47, 56. In supplement,  
23 see attached Exhibit K, a copy of the tape recording of the interview of plaintiff David Davis by Capt.  
24 Larsen.

25 RESPONSE TO REQUEST NO. 15:

26 Objection. This request is vague and overbroad, and protected by FRE 407. Without waiving  
27 the objection, see Exhibit B, attached, with redacted portions of the complaint investigation pertaining to  
28 the analysis and conclusion of the investigating officers at Bates stamps pg. 46-47, 56. In supplement,

1 see attached Exhibit L, a tape recording and photographs of plaintiff David Davis on 8/3/2006.

2 RESPONSE TO REQUEST NO. 16:

3 Objection. This request is vague and overbroad, and protected by FRE 407. Without waiving  
4 the objection, see Exhibit B, attached, with redacted portions of the complaint investigation pertaining to  
5 the analysis and conclusion of the investigating officers at Bates stamps pg. 46-47, 56. In supplement,  
6 see attached Exhibit M, CD-R of recorded interview of plaintiffs on 1/12/2007.

7 RESPONSE TO REQUEST NO. 17:

8 Objection. This request is vague and overbroad, and protected by FRE 407. Without waiving  
9 the objection, see Exhibit B, attached, with redacted portions of the complaint investigation pertaining to  
10 the analysis and conclusion of the investigating officers at Bates stamps pg. 46-47, 56. In supplement,  
11 see exhibit N, recorded interviews of Officers Hobbs, Miller, Hardisty and Sgt. Celli on 8/24/2006.

12 RESPONSE TO REQUEST NO. 18:

13 Objection. This request is vague and overbroad, and protected by FRE 407. Without waiving  
14 the objection, see Exhibit B, attached, with redacted portions of the complaint investigation pertaining to  
15 the analysis and conclusion of the investigating officers at Bates stamps pg. 46-47, 56.

16 RESPONSE TO REQUEST NO. 19:

17 See Exhibit C, attached. After a reasonable search and diligent inquiry, no other documents were  
18 located regarding Robert Chalk.

19 RESPONSE TO REQUEST NO. 20:

20 See Exhibit D, attached. After a reasonable search and diligent inquiry, no other documents were  
21 located regarding Ronald Larsen.

22 RESPONSE TO REQUEST NO. 21:

23 See documents attached as Exhibit E.

24 Responding party objects to the production of "complaints" filed against Timothy Celli as  
25 overbroad and not likely to lead to the discovery of admissible evidence. Without waiving the objection,  
26 a complaint was registered against Sgt. Celli on June 8, 2003, involving an off-duty encounter that  
27 involved alcohol. The complainant was of African-American descent; there is no indication that the  
28 complainant's race was a factor in the complained-of conduct.

1 RESPONSE TO REQUEST NO. 22:

2 See Exhibit F, attached. After a reasonable search and diligent inquiry, no other documents were  
3 located regarding Lt. Michael Hermann.

4 RESPONSE TO REQUEST NO. 23:

5 See responsive documents attached as Exhibit G.

6 Responding party objects to the production of "complaints" filed against Tim Hobbs as  
7 overbroad and not likely to lead to the discovery of admissible evidence. Without waiving the objection,  
8 the following complaints have been registered against Off. Hobbs in the last 5 years: December 28, 2007  
9 - Rude behavior during a traffic stop. The complainant was of Caucasian descent. May 5, 2007- Verbally  
10 abusive during traffic stop; false arrest and excessive force during arrest. The complainant was of  
11 Caucasian descent. April 26, 2004 - Unprofessional conduct during the investigation of a child custody  
12 dispute.

13 RESPONSE TO REQUEST NO. 24:

14 See responsive documents attached as Exhibit H.

15 Responding party objects to the production of "complaints" filed against T.W. Miller as  
16 overbroad and not likely to lead to the discovery of admissible evidence. Without waiving the objection,  
17 a complaint was registered against Off. Miller on July 30 and August 27, 2007 for discourteous and  
18 unprofessional behavior during traffic stops of the same individual, a person of American Indian descent.  
19 November 11, 2007- A complaint was registered against Off. Miller for discourteous behavior during  
20 investigation of the residence of a registered sex offender. The complainant was of Hispanic descent.

21 RESPONSE TO REQUEST NO. 25:

22 See responsive documents attached as Exhibit I.

23 RESPONSE TO REQUEST NO. 26:

24 See responsive documents attached as Exhibit J.

25 Responding party objects to the production of "complaints" filed against Officer Sarah Hardisty  
26 as overbroad and not likely to lead to the discovery of admissible evidence. Without waiving the

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1 objection, a complaint was registered against Off. Hardisty on May 22, 2007 for failure to follow police  
2 procedures during the investigation of a 911 hang-up.

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4  
5 Dated: April 21, 2008

6 LOW, BALL & LYNCH

7  
8 By 

9 DALE L. ALLEN, JR.  
10 DIRK D. LARSEN  
11 Attorneys for Defendant  
12 CITY OF CLEARLAKE  
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**PROOF OF SERVICE**

**Action: David Davis and Page Gearhart-Davis v. Clearlake Police Department  
U.S.D.C./Northern District Case No. C-07-03365 EDL**

I am over the age of eighteen (18) years and not a party to the within action. I am employed at  
Low, Ball & Lynch, 505 Montgomery Street, 7th Floor, San Francisco, California 94111.

On the date indicated below, I served the following documents enclosed in a sealed envelope on  
the listed addresses:

**DOCUMENT:** DEFENDANT CITY OF CLEARLAKE'S 2nd SUPPLEMENTAL RESPONSE  
TO PLAINTIFFS' REQUEST FOR PRODUCTION OF DOCUMENTS, AND  
DOCUMENTS PRODUCED

**ADDRESSES:**

David Davis and Page Gearhart -Davis  
P.O. Box 3225  
Clearlake, CA 95422  
Tel: 707-995-0749; Fax: 707-994-0987  
Plaintiffs In Pro Se

☒ **(BY MAIL)** I placed a true copy, enclosed in a sealed, postage paid envelope, and deposited  
same for collection and mailing at San Francisco, California, following ordinary business  
practices, addressed as set forth below.

☐ **(BY PERSONAL SERVICE)** I caused each such envelope to be delivered by hand to the  
addressees noted above or on the attachment herein by \_\_\_\_\_ Legal Services.

☐ **(BY FACSIMILE)** I caused the said document to be transmitted by Facsimile transmission to  
the number indicated after the addresses noted above or on the attachment herein.

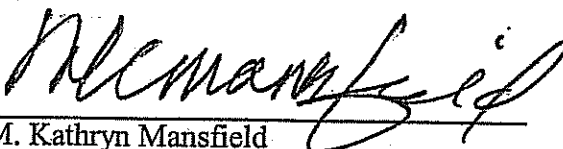
☐ **(BY OVERNIGHT COURIER)** I caused each such envelope addressed to the parties to be  
deposited in a box or other facility regularly maintained by the overnight courier or driver  
authorized by the overnight courier to receive documents.

☐ **(BY CERTIFIED MAIL/RETURN RECEIPT REQUESTED)** I placed a true copy, enclosed  
in a sealed, postage-paid envelope, and deposited same for collection and mailing at San  
Francisco, California, following ordinary business practices, addressed as set forth below.

I am readily familiar with this law firm's practice for the collection and processing of documents  
for regular and certified mailing, overnight mail, and facsimile transaction, and said document(s) are  
deposited with the United States Postal Service or overnight courier depository on the same day in the  
ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at San Francisco, California on April 21, 2008.

  
M. Kathryn Mansfield

**PROOF OF SERVICE**

**Action: David Davis and Page Gearhart-Davis v. Clearlake Police Department  
U.S.D.C./Northern District Case No. C-07-03365 EDL**

I am over the age of eighteen (18) years and not a party to the within action. I am employed at  
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TO PLAINTIFFS' REQUEST FOR PRODUCTION OF DOCUMENTS, AND  
DOCUMENTS PRODUCED

**ADDRESSES:**

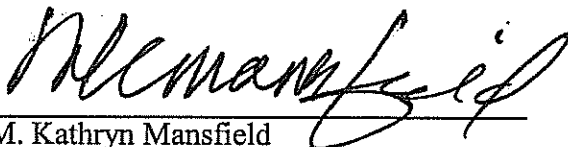
David Davis and Page Gearhart -Davis  
P.O. Box 3225  
Clearlake, CA 95422  
Tel: 707-995-0749; Fax: 707-994-0987  
Plaintiffs In Pro Se

- ☒ **(BY MAIL)** I placed a true copy, enclosed in a sealed, postage paid envelope, and deposited  
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Executed at San Francisco, California on April 21, 2008.

  
M. Kathryn Mansfield